

THE HONORABLE JAMAL N. WHITEHEAD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN THE MATTER OF THE COMPLAINT
OF FOSS OFFSHORE WIND HOLDINGS,
LLC, AS ALLEGED BAREBOAT
CHARTERER, AND FOSS MARITIME
COMPANY, LLC, AS ALLEGED SUB-
BAREBOAT CHARTERER, OF THE
VESSEL REBEKAH, OFFICIAL
NUMBER 623866, AND HER ENGINES,
MACHINERY, GEAR, TACKLE,
APPAREL AND ALL OTHER
APPURTENANCES, PETITIONING FOR
EXONERATION FROM AND/OR
LIMITATION OF LIABILITY

IN ADMIRALTY

NO. 2:24-cv-00246

~~PROPOSED~~ ORDER APPROVING
SECURITY, DIRECTING ISSUANCE
OF NOTICE AND RESTRAINING
PROSECUTION OF CLAIMS

Tradewinds Towing, LLC and Magazine Tug, LLC (“Limitation Petitioners”), as alleged operator and owner of the M/V REBEKAH (“the Vessel”) have filed a Complaint for Exoneration from or Limitation of Liability, pursuant to 46 U.S.C. §§ 30501, *et seq.* and Rule F of the Supplemental Rules for Admiralty or Maritime Claims of the Federal Rules of Civil Procedure, for any and all loss of life, injury, loss of property, destruction, or damage, arising out of an Incident, which is alleged to have occurred on or around May 5, 2023, all as is more fully

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ISSUANCE OF NOTICE AND RESTRAINING PROSECUTION OF
CLAIMS - 1
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**HARRIGAN, LEYH,
FARMER & THOMSEN, LLP**
999 Third Avenue, Suite 4400
Seattle, WA 98104
(206) 623-1700

described in Limitation Petitioners' Complaint for Exoneration From or Limitation of Liability ("Complaint") filed herein; [Dkt. No. 1]

WHEREAS, the Complaint having stated that the value of the Vessel immediately after the Incident and at the end of said Voyage did not exceed TWO MILLION FIVE HUNDRED THOUSAND AND NO/100 (\$2,500,000.00) U.S. DOLLARS;

WHEREAS, Limitation Petitioners have filed and submitted a Letter of Undertaking [Dkt. No. 11-1], constituting approved security in the value of the Vessel and its pending freight, interest at 6% per annum and costs in the amount of \$500, all as required by the rules of this Court, the Limitation Act, Supplemental Rule F, and the General Maritime Law;

NOW, THEREFORE, on the **motion** of counsel for Limitation Petitioners, Tradewinds Towing, LLC and Magazine Tug, LLC:

IT IS ORDERED as follows:

1) That the Letter of Undertaking submitted by Tradewinds Towing, LLC and Magazine Tug, LLC and its insurer in the amount of TWO MILLION FIVE HUNDRED AND NO/100 (\$2,500,000.00) U.S. DOLLARS plus interest at 6% per annum and costs in the amount of \$500 in the form filed herein [Dkt. No. 11-1], be accepted as security under Supplemental Admiralty Rule F(1) for the purpose of this Limitation proceeding and that it be hereby approved as to form, quantum and surety;

2) That the Court, upon demand and/or motion supported by appropriate evidence, shall cause due appraisal of such value and may thereupon order the said security increased or reduced if it finds the amount thereof insufficient or excessive; and, upon demand, the Court

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may similarly order such increase or reduction if it finds that such an order is necessary to carry out the provisions of 46 U.S.C. § 30505, as amended.

3) That a notice in the form attached hereto [Dkt. No. 11-2] shall be issued by the Clerk of Court to all persons asserting claims with respect to which the Complaint seeks exoneration or limitation, admonishing them to file their respective claims with the Clerk of this Court in writing, and to serve on counsel for Tradewinds Towing, LLC and Magazine Tug, LLC a copy thereof on or before the 5th day of June, 2024, or be forever and permanently defaulted, and that if any claimant desires to contest either the right to exoneration from or the right to limitation of liability, that claimant shall file and serve on counsel for Tradewinds Towing, LLC and Magazine Tug, LLC an answer to the Complaint on or before the said date, unless the claim has included an answer to the Complaint, so designated, or be defaulted.

4) That the aforesaid notice shall be published by Tradewinds Towing, LLC and Magazine Tug, LLC in the Seattle Daily Journal of Commerce, 83 Columbia Street, 2nd Floor, Seattle, WA 98104, once a week for four successive weeks prior to the date fixed for the filing of claims, as provided by the aforesaid Rule F; and copies of the notice shall also be mailed in accordance with the said Rule F.

5) The further prosecution of any and all actions, suits and proceedings already commenced, and the commencement or prosecution hereafter of any and all suits, actions, or proceedings of any nature and description whatsoever in any jurisdiction, and the taking of any steps and the making of any motion in such actions, suits or proceedings against Tradewinds Towing, LLC and Magazine Tug, LLC, as aforesaid, or against the Vessel, or against any property of Tradewinds Towing, LLC and Magazine Tug, LLC except in

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1 this action, to recover damages for or in respect of any injury, loss or damages allegedly caused
2 by or resulting from the aforesaid Incident that occurred on or about May 5, 2023 as is more fully
3 described in the Complaint, is hereby **RESTRAINED, STAYED, and ENJOINED** until the
4 hearing and final determination of this action.

5 6) That the service of this order as a restraining order may be made through the
6 United States Post Office by mailing a conformed copy thereof to the person or persons to be
7 restrained, or to their respective attorneys, or alternatively, delivered by hand.

8 Signed this 6th day of May, 2024.

9 It is so ORDERED.

10 

11 Jamal N. Whitehead
12 United States District Judge

13 Presented by:

14
15 HARRIGAN, LEYH, FARMER
& THOMSEN, LLP

16 By: s/ Michelle Buhler

17 Michelle Buhler (WSBA #16235)
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19 Seattle, WA 98104
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23 ~~PROPOSED~~ ORDER APPROVING SECURITY, DIRECTING
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